region6news

Monday, July 09, 2018

Arkansas, Louisiana, New Mexico, Oklahoma, Texas, and 66 Tribal Nations

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1 - EPA administrator says science 'not panned out' yet on climate change at Burgess energy summit, Denton Record-Chronicle, 07/07/2018
https://www.dentonrc.com/news/epa-administrator-says-science-not-panned-out-yet-on-climate/article_a1394752-f531-5869-87b6-c77bc95e5efe.html
U.S. Rep. Michael Burgess, R-Pilot Point, showcased Tesla cars, an electric Harley-Davidson prototype and guest speakers who talked about energy conservation, energy-conserving products and the Environmental Protection Agency as part of his annual Energy Summit and Fair. Anne Idsal, the regional EPA administrator overseeing Texas, four other Southern states and 66 tribal nations, was one of several featured speakers Saturday.

2 - More testing first, repairs later at waste pits, Baytown Sun, 07/08/2018
http://baytownsun.com/news/article_d3d5f2d4-8231-11e8-b266-4b728d3c9a77.html
It's been over a week since the Environmental Protection Agency announced the protective cap at the San Jacinto River Waste Pits had incurred damage, but crews are still assessing the damage for the prospect of repairing it.

3 - EPA moves to remove lead from Bristow oil refinery, The Oklahoman, 07/08/2018
https://www.pressreader.com/usa/the-oklahoman-sunday/20180708/282832191871894
Lead contamination at a former Creek County oil refinery is so extensive the EPA says it must remove much of it soon to protect its workers.

4 - 'Citizen scientists' tracking water quality across Northeast Texas, more sought to help monitor local streams, Longview News-Journal, 07/08/2018
https://www.news-journal.com/news/local/citizen-scientists-tracking-water-quality-across-northeast-texas-more-sought/article_cd6737f6-78a3-11e8-b8d9-93df0ed2a5bf.html
Data collected by the citizen scientists supplement ongoing, deeper probes by the EPA and the Texas Commission on Environmental Quality, including pollution control under the Clean Waters Act and the Clean Rivers Program.

5 - Fire impairs air quality in Aztec, Farmington Daily Times, 07/02/2018
https://www.daily-times.com/story/news/local/aztec/2018/07/02/416-fire-impairs-air-quality-aztec/751932002/
The air quality in southwest Colorado and northwest New Mexico was some of the worst in the country this morning. AirNow.gov, which is the U.S. Environmental Protection Agency's air quality monitoring website, warned that the air this morning was unhealthy for sensitive groups of people such as children, people with asthma and senior citizens.

6 - Who is Michael Honeycutt? Controversial Texas toxicologist plays against type in key EPA role, Houston Chronicle, 07/07/2018
https://www.houstonchronicle.com/business/article/Who-is-Michael-Honeycutt-Controversial-Texas-13054547.php
When Michael Honeycutt was named the chairman of the Environmental Protection Agency's Science Advisory board last fall, environmentalists expected the worst. Honeycutt, however, is not playing along, leading the board in its

recent decision to review the science behind a host of controversial EPA policies, such as repealing the Clean Power Plan, which aims to limit greenhouse gas emissions.

7 - Cement's CO2 is everywhere. Will it sink climate goals?, E&E News, 07/09/2018
https://www.eenews.net/climatewire/stories/1060088153
One of the world's biggest industries — and a leading producer of greenhouse gas emissions — may finally be making moves to combat climate change. The World Cement Association recently held its first-ever global climate change forum, where industry leaders and scientists discussed strategies to reduce the industry's carbon footprint.

8 - Protecting the Earth for Public Health/The former head of the EPA emphasizes that climate action is about public health, not polar bears.U.S. News &World Report, 07/06/2018
https://www.usnews.com/news/the-report/articles/2018-07-06/gina-mccarthy-on-how-the-environment-is-a-public-health-issue
The former administrator of the Environmental Protection Agency, who served through President Barack Obama's second term, oversaw the development and implementation of the nation's first regulations limiting heat-trapping carbon pollution from existing coal-fired power plants – easily the largest source of greenhouse gases in the electricity sector. But it is public health that McCarthy seems to most frequently discuss.

9 - OPINION: A judge's ruling puts climate change in limbo, Fort Worth Star-Telegram, 07/06/2018
https://www.star-telegram.com/opinion/opn-columns-blogs/richard-greene/article214451019.html
Global warming activists have long sought judicial support for their demands that Big Oil should be held liable for the consequences of rising temperatures across the country and throughout the world.

10 - OPINION: Climate change denial the real 'fake news', Albuquerque Journal, 07/08/2018
https://www.abqjournal.com/1193935/climate-change-denial-the-real-fake-news.html
Why … [did the Journal] publish Cal Thomas' column (July 2) headlined "Global warming hysteria has raged for 30 years"? Thomas is a political columnist who almost certainly could not pass the first exam in an undergraduate course in atmospheric physics.

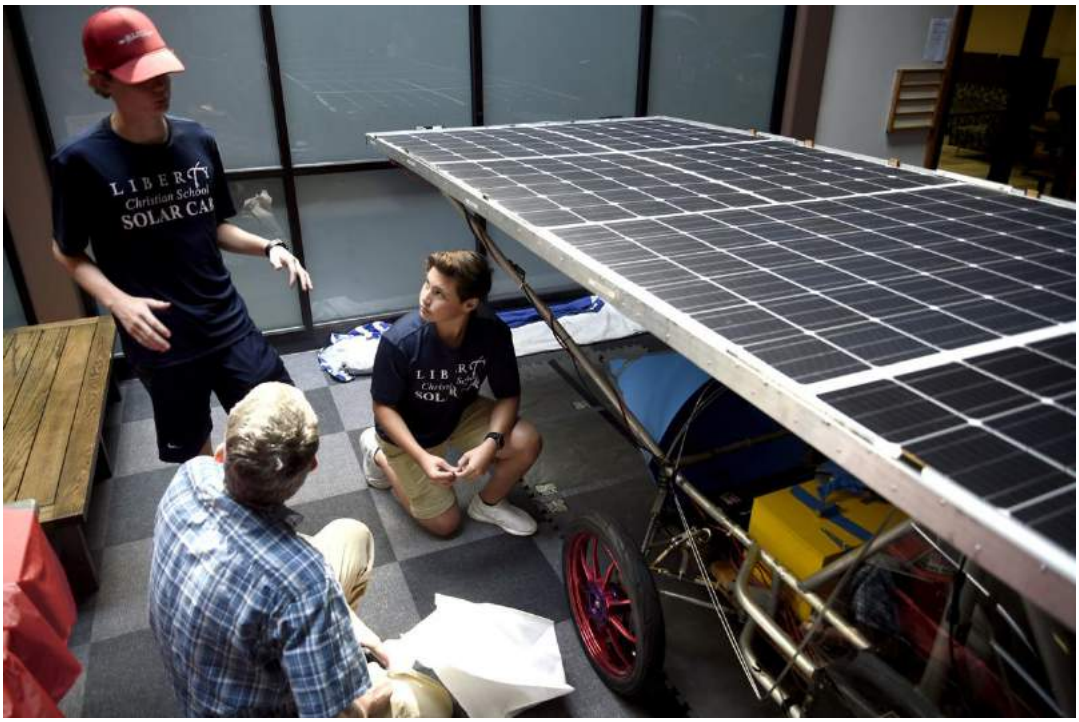
11 - OPINION: Back to Buffalo Regulatory rigmarole, Arkansas Democrat-Gazette, 07/08/2018
Attorneys for C&H Hog Farms (badly misplaced in the Buffalo National River watershed) are herding every pig-in-a-poke possible toward the state's Pollution Control and Ecology Commission in hopes of overturning their client's Regulation 5 permit denial.

https://www.dentonrc.com/news/epa-administrator-says-science-not-panned-out-yet-on-climate/article_a1394752-f531-5869-87b6-c77bc95e5efe.html

FEATURED

EPA administrator says science ‘not panned out’ yet on climate change at Burgess energy summit

By Kyle Martin Staff Writer kyle.martin@dentonrc.com Jul 7, 2018



Students from Liberty Christian School in Argyle show off a solar-powered car they built to a curious Denton resident at UNT Discovery Park for the 2018 Energy Summit and Fair. U.S. Rep. Michael Burgess, R-Pilot Point, hosted the annual event to show North Texans ways to become more energy efficient.

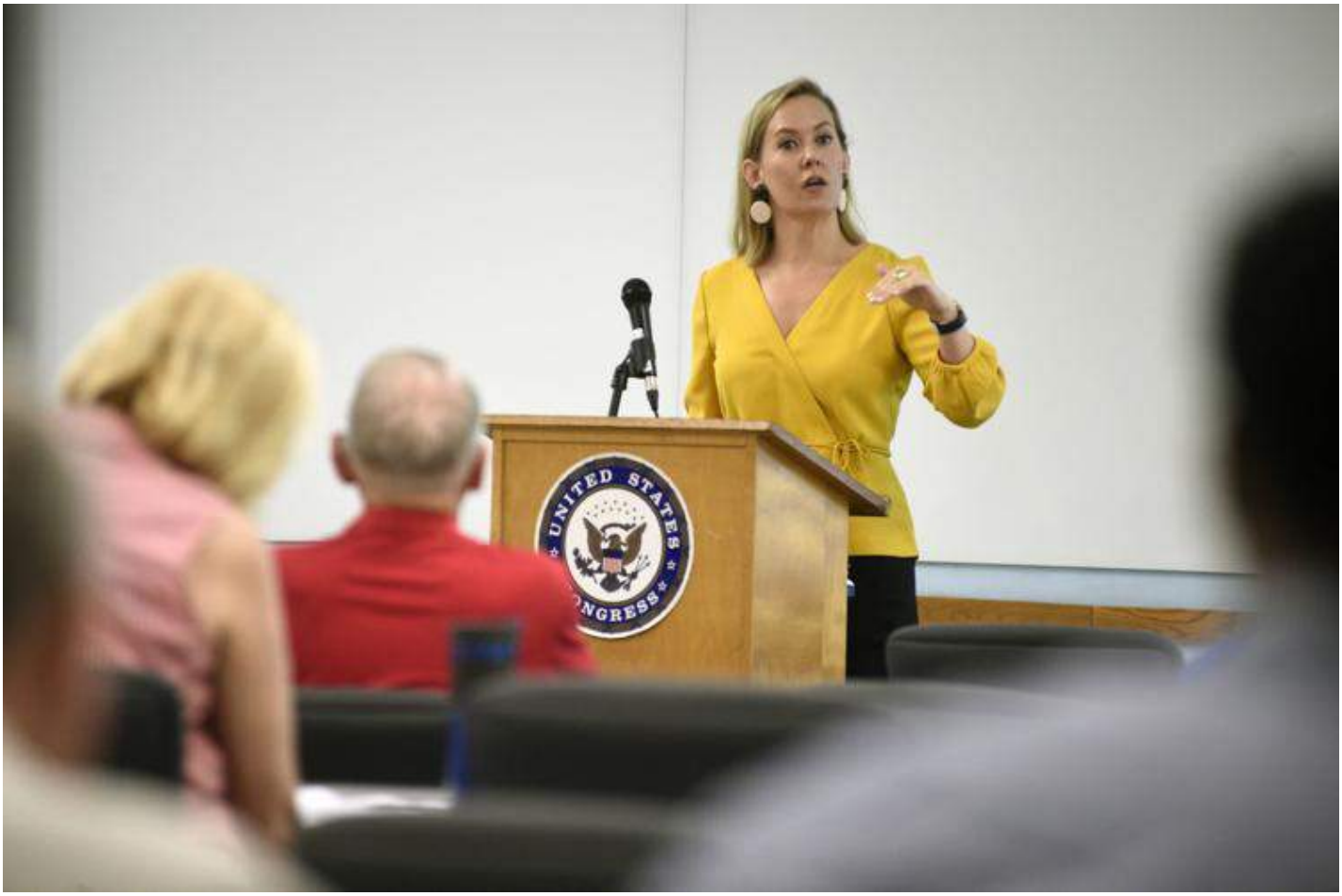
Jake King/DRC

U.S. Rep. Michael Burgess, R-Pilot Point, showcased Tesla cars, an electric Harley-Davidson prototype and guest speakers who talked about energy conservation, energy-conserving products and the Environmental Protection Agency as part of his annual Energy Summit and Fair.

Anne Idsal, the regional EPA administrator overseeing Texas, four other Southern states and 66 tribal nations, was one of several featured speakers Saturday. After a speech detailing statistics relating to environmental conservation efforts and procedures, she was asked plainly her thoughts on “man-made climate change.”

“I just wondered if in your time working at EPA and with the scientists that you’ve worked with, what your take is now on climate change,” Denton resident and music educator Ed Soph said. “Do you feel that it is a man-made affair, or at least man has a part in causing what’s going on now?”

Idsal said she “doesn’t necessarily think the science has panned out on that.” She added she thinks “there is a potential that you do have some impact from humankind throughout the globe. What exactly that impact may be or is, I don’t necessarily think the science has been settled on that.”



Anne Idsal, region 6 administrator for the EPA, answers questions after her Saturday presentation at UNT Discovery Park for the 2018 Energy Summit and Fair.

Jake King/DRC

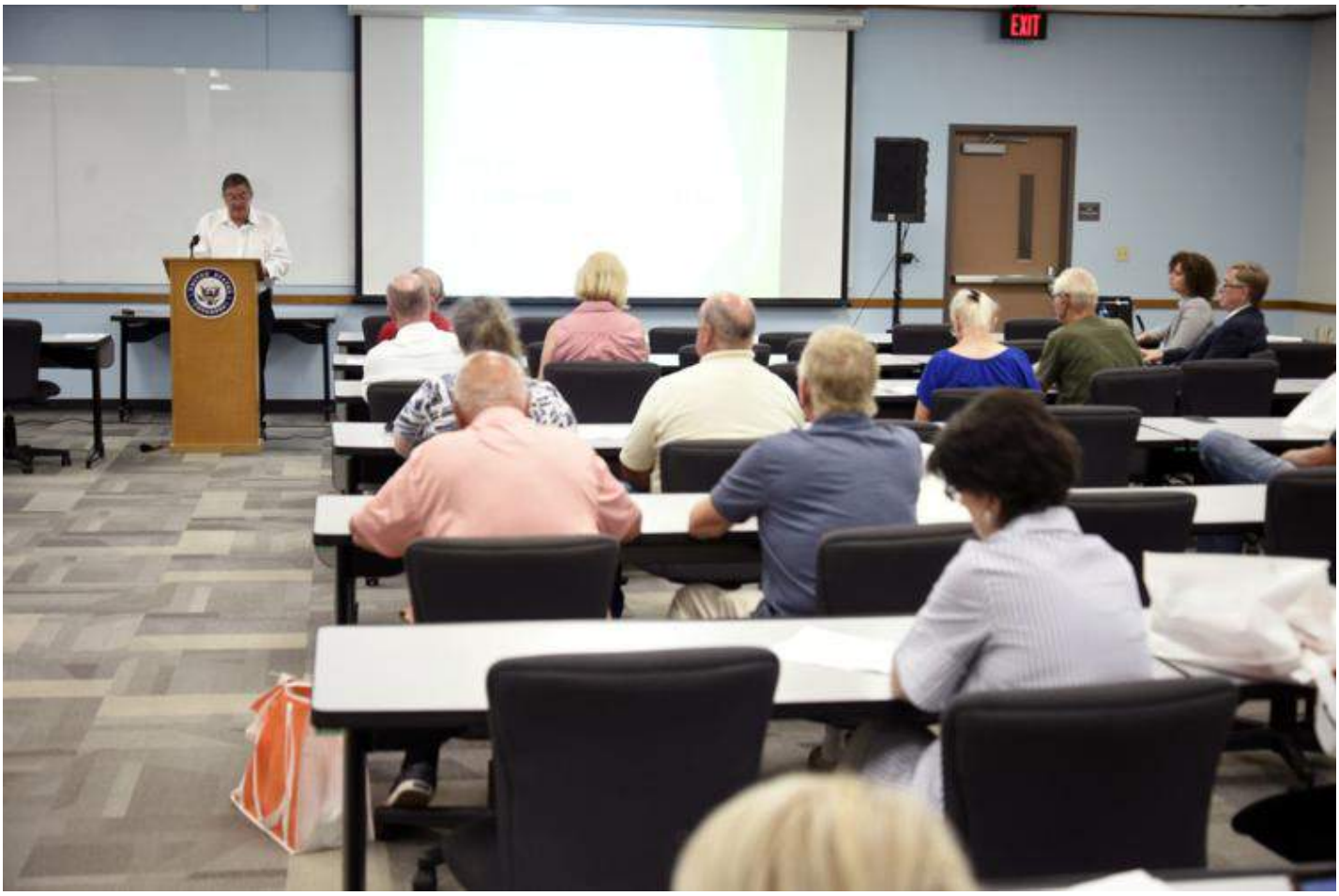
Her answer set off a murmur throughout the audience inside a meeting room at the University of North Texas Discovery Park. Speaking to a room filled with a few dozen attendees, some shook their heads at Idsal in disapproval.

Idsal’s climate change sentiments echo the worries of many Americans amid an EPA shakeup following last week’s resignation by EPA Chief Scott Pruitt, who left the agency under a federal investigation fueled by claims of ethics violations and scandals.

Critics have slammed Pruitt for his denial of climate change since his nomination to his position by President Donald Trump in December 2016. Many in the climate science community believe man-made climate change to be scientific fact, while others deny its validity.

The subject of climate change is heated when referenced with global politics, especially in America, as the U.S. recently watched the Trump administration roll back Obama-era environmental policies. Just over a year ago, Trump backed out of the Paris climate accord, an Obama-era international deal that sought to fight climate change.

In Denton, the topic of climate change is hotly debated when referenced to the future of renewable and sustainable energy in the city and surrounding areas. The topic of man-made climate change strikes notes with critics of Denton's new 225-megawatt natural gas-powered plant. Power plant operations were scheduled to begin at the start of this month.



U.S. Rep. Michael Burgess, R-Pilot Point, provides opening remarks at UNT Discovery Park for the 2018 Energy Summit and Fair. The annual event is hosted by the congressman to show North Texans ways to become more energy efficient.

Jake King/DRC

On Saturday, Idsal briefly explained her claim the idea of climate change's effects over the years is "not an exact science yet" and that "I look forward to more energy and more resources being put into climate science as a whole so that we do have a

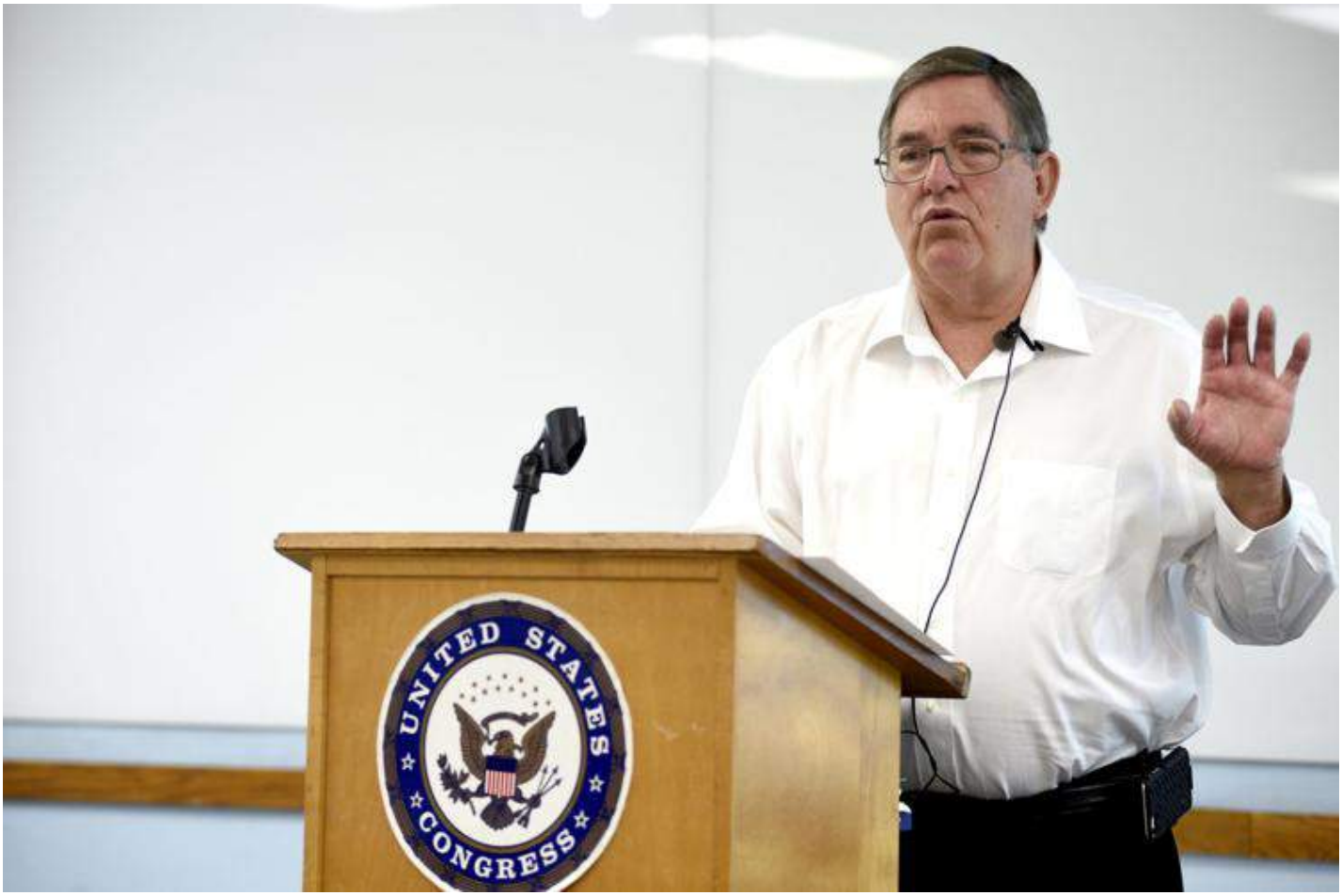
better understanding of what is going on, and if man does have an impact on it, what it is, and what we can do or ought to be doing in order to maybe shape our behaviors.”

She said, “at this point, though, I don’t think there is anything necessarily definitive” to prove that the world’s climate is affected wholly by the human population, but that “we welcome all of the science, no matter where it’s coming from, no matter where it is, so that we really do have the best information available.”

And then the rest of the summit continued.

“We all think we want to be wise consumers, we want to make our investments count. And purchasing energy should be no different,” Burgess said before the morning’s lectures. “Air quality is something that is going to be a top-of-mind story probably for the rest of my natural lifetime.”

The focus of the summit was for locals to gain new knowledge on how to conserve and save on energy spending, especially during hot summers. Events included the Energy Fair and Fuel Efficient Auto Show.



U.S. Rep. Michael Burgess, R-Pilot Point, provides opening remarks at UNT Discovery Park for the 2018 Energy Summit and Fair. The annual event is hosted by the congressman to show North Texans ways to become more energy efficient.

Jake King/DRC

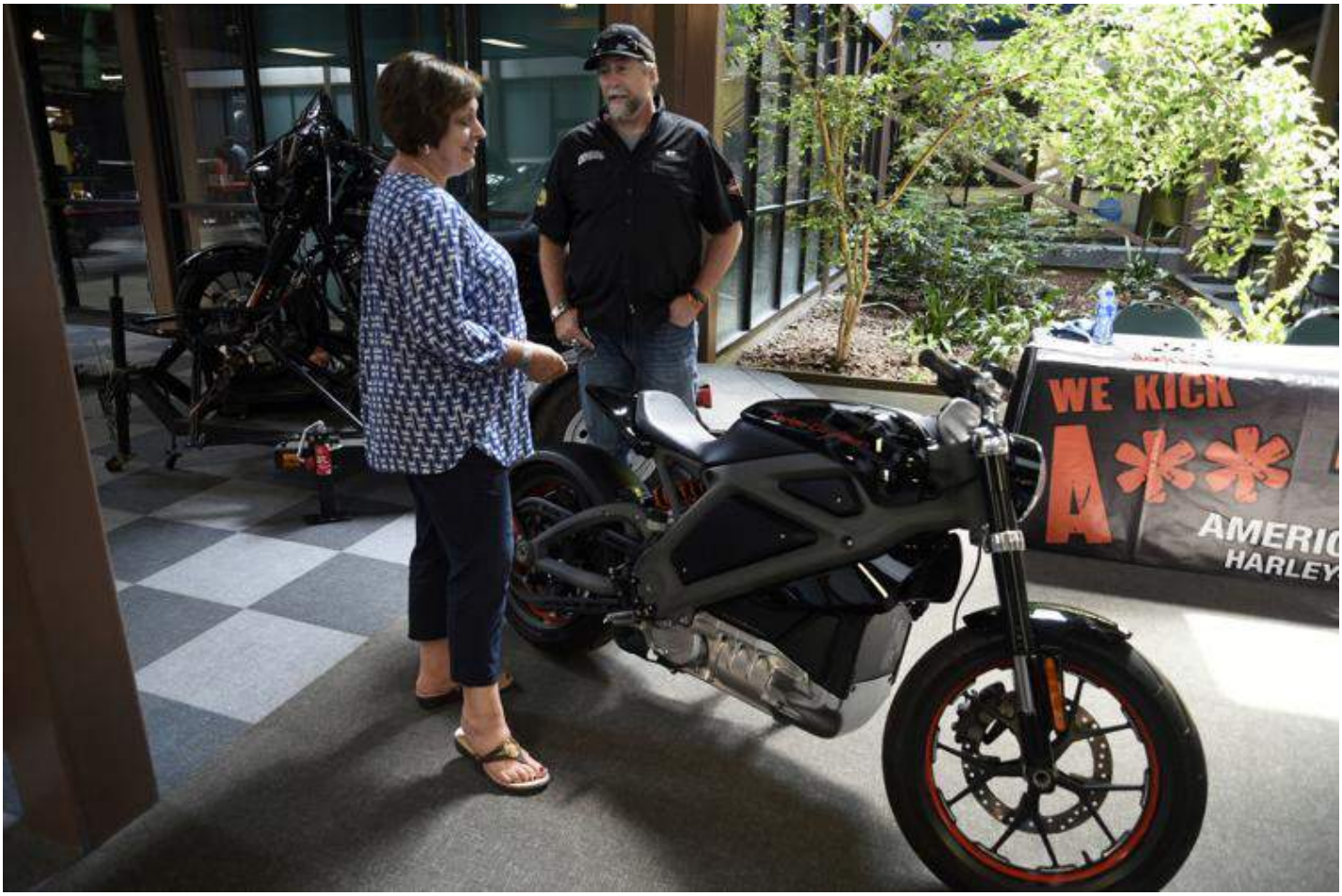
Outside of Discovery Park, a handful of Burgess protesters occupied the “Free Speech Area,” with one protester holding a sign that read “Vote Burgess Out.”

Exhibitors within Discovery Park shared their ambitions in pursuit of renewable and sustainable energies. And taking up the most space inside Discovery Park’s hallways were several shiny vehicles for all to see.

Showcasing one of 12 electric Harley-Davidson motorcycle prototypes was Corinth’s American Eagle Harley-Davidson general manager Bryan Tynes.

Although not on sale yet, the brainchild of the motorcycle company’s “Project LiveWire” is said to be coming to the local marketplace by fall of next year. The price tag is estimated to be about $20,000, he said.

Tynes, while stationed next to several Tesla electric cars, said Harley-Davidson is looking to enter into the renewable electric-powered vehicle market with this LiveWire bike, hoping the 50-mile-per-charge range of the bike will prove competitive for buyers looking for a one-person daily commuter vehicle.



Bryan Tynes, general manager of American Eagle Harley-Davidson in Corinth, shows off a prototype of an electric motorcycle, one of 12 in existence, to Joan Self, district assistant for the office of U.S. Rep. Michael Burgess, R-Pilot Point, at UNT Discovery Park for Saturday’s Energy Summit and Fair.

Jake King/DRC

In an interview after most of the attendees left, Burgess addressed his excitement in the turnout of the event, and things he thought stuck out as important for locals to know. Among them were air quality and consumer education on how and where to purchase energy in the Denton area.

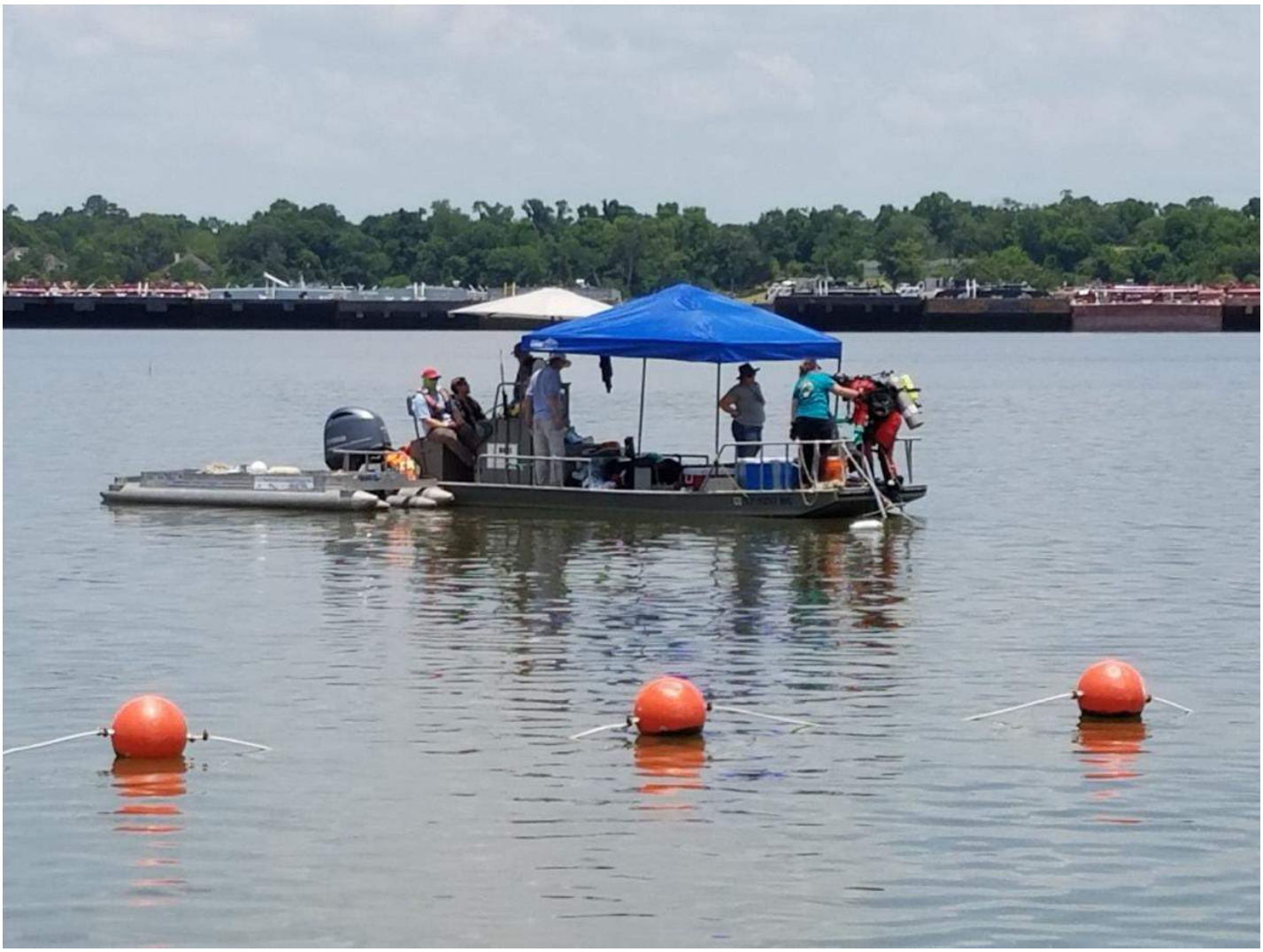
Addressing Idsal’s thoughts on climate change, the congressman said, “I don’t disagree with her.”

KYLE MARTIN can be reached at kyle.martin@ dentonrc.com or via Twitter at @Kyle_Martin35.

http://baytownsun.com/news/article_d3d5f2d4-8231-11e8-b266-4b728d3c9a77.html

More testing first, repairs later at waste pits

Christopher James Jul 8, 2018



Submitted photo

It's been over a week since the Environmental Protection Agency announced the protective cap at the San Jacinto River Waste Pits had incurred damage, but crews are still assessing the damage for the prospect of repairing it.

Last week, the EPA received data from sediment samples collected by the EPA's dive team from 22 small areas measuring up to 50-square-feet that confirmed the protective cap was absent and the underlying waste material was exposed. The data also showed dioxins are still registering nearly as

high as they were in those first days and weeks after Harvey when they were more than 70,000 parts per trillion. The latest data found levels up to 60,500 parts per trillion, which is far beyond acceptable, as the EPA mandates cleanups for 30 parts per trillion and up.

The EPA says the new damage occurred on the northwest section of the cap where several small areas of exposure were discovered by divers.

“Dioxin does not dissolve easily in water and the areas of exposure range from 1 to 50 square feet,” Cynthia Fanning, EPA spokeswoman said. “While our scientists believe any release would be small, we do not have precise scientific data regarding any release.”

As of Friday, the potentially responsible parties — International Paper and McGinnes Industrial Maintenance Corporation — were conducting final reviews of their work plan and were directed by the EPA to “repair the cap as quickly as possible,” which the EPA said would begin soon.

Fanning says this damage and exposure would have occurred after Hurricane Harvey since repairs after the storm were completed in September.

And the EPA says residents should continue to observe the state’s fish consumption advisory at the site as a precaution.

Since the cap was installed in 2011, it has needed repairs in 2012, 2013, 2015, 2016, 2017 and now 2018 because of thin or missing cap, and/or dioxin exposure.

In 2015, the EPA found a 25-foot by 22-foot irregular trapezoidal hole in the surface of the cap. And then in 2017, in the wake of Harvey, underlying dioxin was exposed at about 70,000 parts per trillion, which is the highest concentration found at the site so far.

This constant need for repairs is one of the reasons that drove the EPA to sign off on a remedy that will excavate almost 212,000 cubic yards of dioxin-contaminated material for disposal.

But before the EPA selected that remedy, they directed the responsible parties to come up with a temporary solution to address the release of dioxin into the San Jacinto River. To accomplish that, the responsible parties designed a cap that was supposed to withstand a 100-year flood event. The cap consists of 59,000 tons of stone and protective layers of geotechnical materials that cover almost 16 acres.

Before the cap was installed, the pits were exposed to the river ever since they were created in the mid-1960s.

While the EPA negotiates with the responsible parties to fund the $115 million remedy, which will take 29 months to complete once the two sides come to an agreement, the armored cap is the only thing preventing any further release of dioxin into the San Jacinto River.

San Jacinto River Coalition meeting Tuesday night

The San Jacinto River Coalition will have its monthly meeting Tuesday in Highlands.

The meeting will consist of discussion regarding the San Jacinto River Waste Pits, which will deal with the damage recently found at the pits and the resignation of EPA Administrator Scott Pruitt. The meeting will start at 6:30 p.m. at the Highlands Community Center, 604 Highland Woods Drive.

The San Jacinto River Waste Pits are a series of toxic dioxin-filled pits along the San Jacinto River, located just north of the Interstate 10 bridge. The pits were created in the mid-1960s when International Paper's predecessor company, Champion Paper, contracted McGinnes Industrial Maintenance Corporation to dispose of toxic waste. Houston-based Waste Management of Texas merged in 2003 with another company that had previously acquired the dumpsite.

The site has been designated for a cleanup that will use engineering controls to excavate about 212,000 cubic yards of dioxin-contaminated material in the dry that will then be disposed of. At a cost of $115 million, the cleanup is expected to take about 29 months.

For more, visit www.TxHEA.org.

EPA moves to remove lead from Bristow oil refinery

The Oklahoman (Sunday) · 8 Jul 2018 · BY JUSTIN WINGERTER Staff Writer jwingerter@oklahoman.com

Lead contamination at a former Creek County oil refinery is so extensive the Environmental Protection Agency says it must remove much of it soon to protect its workers.

The Wilcox Oil Co. in Bristow, about 35 miles southwest of Tulsa, contaminated as many as 150 acres with high levels of lead in the half-century between 1915 and 1965, according to EPA records. Since then, the lead has seeped into adjacent waterways.

The EPA added the site to its national priorities list for Superfund sites in late 2013. Last week, it announced its desire to begin removing lead at the site sooner than scheduled.

"The current action is being taken to both protect worker safety and to prevent further migration of lead into the environment," said Cynthia Fanning, a regional EPA spokeswoman.

The EPA will host a public meeting Tuesday night at Bristow's town library to inform residents of the work and its proposed cleanup strategy. The public will have 30 days to comment before a final decision is made. Funding for the work has not yet been received.

The EPA doesn't know the extent of lead contamination at the Superfund site or whether the property can ever be repurposed. Superfund cleanup often spans decades.

Once lead is excavated from the Wilcox site, it will be transported to a yet undetermined waste facility capable of handling such contaminants. Fanning said the facility is likely to be located in the Tulsa area.

"(The) proposed plan efficiently utilizes
resources and addresses the highest risks first for Creek County, Oklahoma," said regional EPA administrator Anne Idsal in a news release last week.

In addition to lead, environmental damage was caused by oil at the site. During the first half of the 20th century, crude oil was often stored in bottomless tanks, allowing it to seep directly into the ground. The EPA says it has removed 1,349 tons of oil waste from the area to date.

Pre-emptive cleanup actions, like the one being proposed at the Wilcox site, were recommended by the Superfund Task Force, a group convened by then-EPA Administrator Scott Pruitt last May and tasked with determining how to expedite Superfund work.

The head of the Superfund Task Force was Albert Kelly, a native of Bristow whose family owns property adjacent to the Wilcox Oil Co. site. Kelly resigned his Superfund post in May amid scrutiny of his banking career.

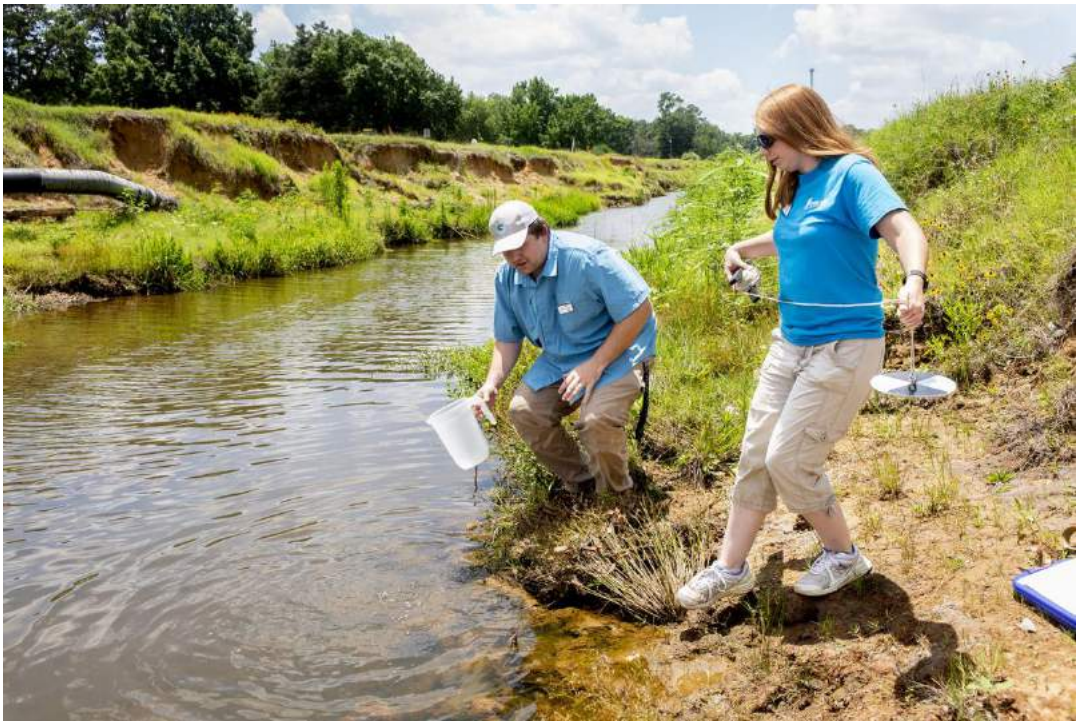
Bristow is home to about 4,200 people and four contaminated sites, remnants of its oil and gas past. Kelly's grandfather discovered oil on his farm around 1920, allowing him to invest in a bank that would become Spirit Bank, the family business, according to press reports.

After oil was discovered by Kelly's grandfather nearly a century ago, a well was drilled by a local company in Bristow. That company was Wilcox Oil.

https://www.news-journal.com/news/local/citizen-scientists-tracking-water-quality-across-northeast-texas-more-sought/article_cd6737f6-78a3-11e8-b8d9-93df0ed2a5bf.html

'Citizen scientists' tracking water quality across Northeast Texas, more sought to help monitor local streams

By Glenn Evans gevans@news-journal.com Jul 8, 2018 Updated 1 hr ago



Data collected by the citizen scientists supplement ongoing, deeper probes by the U.S. Environmental Protection Agency and the Texas Commission on Environmental Quality.

Michael Cavazos/News-Journal Photo

Crystal Mann descended the grassy slope to Longview's Guthrie Creek, a clear plastic tumbler in hand. She was trailed by Buford Lessley, carrying a small suitcase.

Mann pulled what looked like a two-tone pie plate on a chain from the case and lowered it to the bottom of the roughly 18-inch-deep creek. Lessley took the tumbler and captured about a gallon of the slow-moving water.

The Texas Stream Team was at it again.

"Everything we do is designed to be done in the field," said Lessley, who recently became a trainer for the team.

He and Mann, a Stream Team member since joining through the Texas Master Naturalists a few years back, trekked up the slope to the shade of a picnic table in Rotary Park. The Master Naturalists, another statewide environmental watchdog group, provide the most common path to the Stream Team as well as the $500 test kits each Stream Team member carries to creeks and rivers across 10 Northeast Texas counties.

The Master Naturalists are tied to the Texas Parks & Wildlife Department and Texas A&M University's AgriLife Extension Service, while the Stream Team has been a function of the nonprofit Meadows Center for Water and the Environment based at Texas State University in San Marcos since the early 1990s.

Data collected by the citizen scientists supplement ongoing, deeper probes by the U.S. Environmental Protection Agency and the Texas Commission on Environmental Quality, including pollution control under the Clean Waters Act and the Clean Rivers Program.

"We are a partnership between the EPA and the TCEQ," said Michael Jones, water resource specialist for the Stream Team at Texas State. "We … educate but also … collect data across the state."

Jones said more than 10,000 Texans have been trained as Stream Team members since 1991, adding the program does not require a lifetime commitment.

Team members undergo rigorous training to be certified to measure basic water qualities including temperature, pH levels of acidity versus alkalinity, dissolved oxygen levels and conductivity.

"Conductivity is an indirect way to measure for total dissolved solids in the water," Jones said, explaining the parameter indicates how well the water sample will conduct electricity.

"Most people test one site per month," he said. "Some people decide to take multiple samples per month. … It can be any surface water that they have access to."

According to the Texas Stream Team website, 241 sites across the state were checked 3,062 times by team members from September 2016 to January 2018.

An average of 405 Stream Team members conducted that monthly monitoring during that span. They logged 5,964 hours of volunteer labor and drove 61,305 miles.

Between the two of them, Mann and fellow Longview Steam Team member Lance Homeniuk monitor two sites apiece in city creek beds.

“Everything is interconnected,” said Stream Team trainer and Master Naturalist Beverly Guthrie, who with her husband, Phil, tests in two creeks feeding the Sabine River upstream from Longview. “We don’t test here, but our water quality (upstream) affects Longview.”

Mann’s motion was deceptively fluid as she lowered that pie plate, actually called a secchi disk, and took her various readings. Every movement was deliberate, the result of thorough training and much repetition.

That’s partly because Mann, Lessley and most, if not all, area Stream Team members also are certified Texas Master Naturalists. The larger, even more rigorous program also produces citizen scientists who train their eyes on the Lone Star State’s natural resources.

Becoming a Master Naturalist is not a requirement for joining the Stream Team, though Guthrie of Hideaway said everyone she knows on the Northeast Texas Stream Team does belong to the larger program.

“It’s a situation where it’s almost a symbiotic relationship,” said Guthrie, who with her husband joined Mann and Lessley beside the creek that coincidentally shares their last name.

Mann, whose day job is with the Hallsville environmental firm AWWS, picked her two sites because they are near her apartment. She indicated her volunteer work sampling streams is serious business.

“Because the health of our environment offsets human health,” she said. “For example, there are kids who like to play and fish (here) all the time. (Guthrie Creek) ends up in the Sabine River, which is where we get our drinking water. And the Sabine goes into the ocean.”

Longview also enjoys a 50-year contract with the Northeast Texas Municipal Water Supply Corp. for water piped from Lake O’ the Pines, downstream from where the Guthries conduct their tests.

“The dissolved oxygen (level) is 8.7 — which is good,” Mann said as she recorded the finding, and Lessley announced the water temperature at 91 degrees.

“They want centigrade,” Phil Guthrie replied, leading to a correction to 34 degrees Celsius, or centigrade, which Mann also wrote in her report.

Beverly Guthrie said the first thing she looks for in Stream Team applicants is commitment to accuracy. Volunteers do not have to dive into the deeper scientific waters of the Master Naturalists, but she indicated it is preferred.

“We love to have teachers and teach them about the Texas Stream Team,” she added, noting that Mann’s co-Longview Stream Teamer Homeniuk is a classroom teacher. “Because it’s a great opportunity for students to get involved.”

Mann said the Stream Team is a great way for anyone to become more involved in their own neighborhood.

“The best part is knowing I’m contributing to my community,” she said.

More information

For information about the Texas Stream Team, including its next training date, call (512) 245-9200 ext. 2 or email txstreamteam@txstate.edu;

For local contact, email Master Naturalist Beverly Guthrie at finwren@sbcglobal.net;

To view data collected, go to www.meadowscenter.txstate.edu/Service/TexasStreamTeam.html (or Google, Texas Stream Team).

How to be a citizen scientist

Become a citizen scientist

Anyone with a desire to monitor water quality or learn more about the natural resources in Texas can be involved. Volunteers monitor a wide variety of habitats from rivers, creeks, ponds and lakes to bays, bayous and estuaries. Volunteers range from school age to senior citizens, from individuals to organized groups such as Master Naturalists.

Texas Stream Team Citizen Water Quality Monitors are certified by completing a three phase training course using a test kit that measures physical and chemical parameters of water.

Participation in the program includes these commitments:

- one-year commitment to monitor at least one location,
- monitor their site(s) monthly at approximately the same time of day each month (the physical and chemical parameters fluctuate over a 24-hour period). Monitoring takes approximately one to two hours.

To collect quality-assured data, citizen monitors are asked to attend two quality-control sessions in the first year and one session per year thereafter. The Texas Stream Team protocols are aligned with a TCEQ approved Quality Assurance Project Plan. The QAPP ensures citizen monitors collect environmental data of the highest quality and that the data can augment professional data.

Source: the Texas Stream Team website

Glenn Evans

Fire impairs air quality in Aztec

The Daily Times staff Published 3:11 p.m. MT July 2, 2018

(Photo: Jon Austria/The Daily Times)

FARMINGTON — The 416 Fire near Durango, Colorado is continuing to impact air quality in Aztec.

The air quality in southwest Colorado and northwest New Mexico was some of the worst in the country this morning.

AirNow.gov, (https://airnow.gov/)which is the U.S. Environmental Protection Agency's air quality monitoring website, warned that the air this morning was unhealthy for sensitive groups of people such as children, people with asthma and senior citizens.

A forecast available at AirNow.gov (https://airnow.gov/)predicts the area will have unhealthy air quality for sensitive people on Tuesday.

Children, senior citizens and other people who are sensitive to poor air quality should avoid spending time outside when there is a lot of smoke in the air.

Read or Share this story: http://www.daily-times.com/story/news/local/aztec/2018/07/02/416-fire-impairs-air-quality-aztec/751932002/

BUSINESS

Who is Michael Honeycutt? Controversial Texas toxicologist plays against type in key EPA role

By James Osborne | July 6, 2018 | Updated: July 7, 2018 6:42pm

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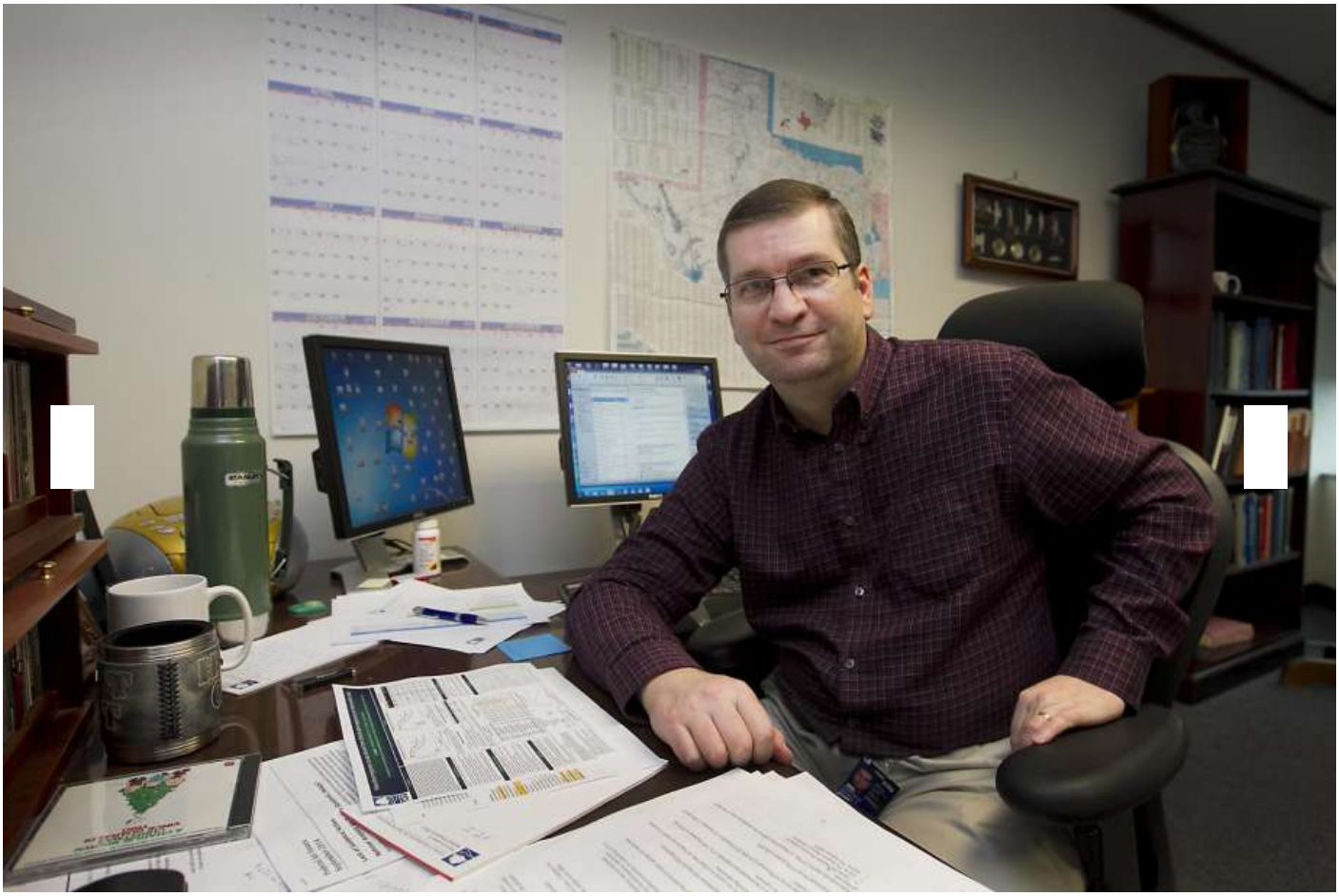

Photo: Ralph Barrera / Austin American-Statesman

IMAGE 1 OF 3
Dr. Mike Honeycutt is an Air Toxicologist for the Texas Commission on Environmental Quality, the world's second largest environmental agency. RALPH BARRERA/ AMERICAN-STATESMAN

WASHINGTON - When Michael Honeycutt was named the chairman of the Environmental Protection Agency's Science Advisory board last fall, environmentalists expected the worst.

As director of toxicology at the Texas Commission on Environmental Quality, he spent more than two decades fighting EPA efforts to put stricter controls on everything from ozone to mercury to hexavalent chromium — the cancer-causing agent made famous in the Julia Roberts film, "Erin Brockovich." With a national platform, he was expected him to speed along the Trump administration's efforts to roll back a decade's worth of regulations aimed at oil, gas and other fossil fuel industries.

Honeycutt, however, is not playing along,
leading the board in its recent decision to
review the science behind a host of controversial EPA policies, such as repealing the Clean

Power Plan, which aims to limit greenhouse gas emissions. That, along with his demand that EPA turn over data behind its decision-making, has left the most suspicious environmentalists, if not praising Honeycutt, at least reassessing the Texas toxicologist.

"The chairman appears to be playing the role of a traditional chairman more than an outspoken critic" of environmental regulation, said John Walke, clean air director at the Natural Resources Defense Council, a national advocacy group.

No one expects Honeycutt's conversion to tree-hugger, but during his short tenure leading the advisory panel, a more complex picture has emerged of a man whose views on pollution and public health have been criticized as outside the mainstream — from disputing research that found increased exposure to ozone leads to more deaths to opposing tougher mercury standards by arguing that Japanese eat a lot of mercury-rich fish and have high IQs.

But those who know him and follow his work describe a public health official who is skeptical of the reigning scientific consensus, but also committed to following established scientific protocols and seeking out dissenting views. Ivan Rusyn, the chair of interdisciplinary toxicology program at Texas A&M University, where Honeycutt has served as an adjunct professor, said Honeycutt is well-respected in the field, his pro-industry views not in the majority, but also not on the fringe.

In many ways, Honeycutt is emblematic of the field of toxicology itself, Rusyn said. While determining whether a pollutant poses risks to human health might appear straightforward, it is far from an exact science.

Not as easy as it looks

Human testing is mostly out of bounds, so scientists rely on animal testing to study the impact on health of say, industrial chemicals or pesticides**.** Those studies, however, are often limited in scope and not always the best gauge, leaving plenty of room for interpretation. The issue become more complex for regulators, who must balance economic with environmental effects in determining what levels of pollutants are reasonable.

"There's uncertainties all over this process," Rusyn said. "It is my opinion Mike is not a stooge and a puppet for industry. He is a leader and a very effective one at the state level."

Honeycutt was named chairman of the advisory panel last year by the controversial EPA Administrator Scott Pruitt, who resigned Thursday under the cloud of several ethics investigations. Pruitt, a climate change skeptic who aggressively attacked environmental rules adopted during the Obama administration, was succeeded by Acting EPA Administrator Andrew Wheeler, a former coal lobbyist and veteran Republican staffer on Capitol Hill.

RELATED: Facing ethics probes, Pruitt resigns from EPA

Wheeler is expected to continue the regulatory rollback that Honeycutt and the advisory board will review to determine whether science supports the policies.

In June, the more than 40 scientists serving on the board met a half mile north of the White House at the Washington Plaza hotel to decide whether to review EPA's recent regulatory actions as well as a proposal to stop the EPA from considering public health studies that use confidential data — a common practice among scientists designed to protect the privacy of patients and companies. Critics, however, say the practice allows scientists to operate without scrutiny.

It was the first meeting since Pruitt reshuffled the board's membership to increase representation by industry. Some veteran board members wondered how the new chairman would handle the meeting, whether he would try to hold up their attempt to put the EPA's policy making under a microscope.

But they needn't have worried. Honeycutt started quickly into the agenda and kept on point, without "weighing in with his own opinions," said Chris Frey, an environmental engineering professor at North Carolina State University and board member.

In addition to examining the Clean Power Plan repeal, the board elected to review other controversial EPA decisions, including the repeal of tougher methane regulations on oil and gas wells and the roll back of vehicle emissions standards.

"There was an open conversation about these issues, and it was very positive," said Steve Hamburg, another board member and chief scientist at the Environmental Defense Fund, which has hounded Pruitt mercilessly since he took office last year.

Honeycutt declined to be interviewed, only answering questions by email. Asked about reviewing EPA's decision-making, he said he agreed with the board, which he described as

composed of, " highly qualified and extremely intelligent scientists whom I deeply respect."

"I attempted to make sure that every board member had their opinions heard and questions answered," he said.

Mad Hatters

Created by Congress in 1978 to help clean the nation's dirty air and waterways, the science advisory board is charged with checking whether EPA actions align with established science. If the EPA, for instance, tightens ozone regulations, it needs to cite scientific studies showing that doing so will save lives. And while the board's guidance is strictly advisory, not following it can leave administrators on shaky ground politically and in the courts if regulatory changes become the subjects of lawsuits.

Honeycutt, 51, joined the TCEQ in the mid-1990s after earning a doctorate in toxicology and pharmacology at the University of Louisiana-Monroe. He described his approach as trying to find a balance between "protecting public health and the environment and allowing industrial activity."

"The TCEQ successfully achieves both goals by writing permits that allow release of chemicals into the environment at concentrations that do not cause harm," he said

That approach helped in industry-friendly Texas, where Honeycutt was named head of TCEQ's toxicology divison in 2003. But while endearing himself to Republican lawmakers, he has also made himself a controversial figure among environmentalists.

When EPA was moving ahead on tougher mercury standards in 2011, Honeycutt appeared before Congress to argue against stricter limits on the toxin, which is pumped into the air as a byproduct of coal power generation and has been linked to neurological disorders since the days of the "Mad Hatters," who used mercury in hat-making in 19th century London. In his testimony, he discounted the threat, noting that Japanese eat 10 times more fish than Americans do," but score highly on IQ tests. Nearly all fish contain traces of mercury.

RELATED: Even some Republicans worry Trump is selling American wilderness to oil companies

In 2015, as EPA prepared to enact standards lowering the amount of ozone that Americans are forced to breathe, Honeycutt argued during a radio interview that “people are going to die” if ozone pollution — associated with asthma and other lung diseases — was reduced. He based the claim on an obscure EPA finding that as overall ozone pollution declines, it also increases in some smaller, isolated areas for short periods of time.

That won Honeywell support from the power sector and the Gulf Coast petrochemical complex, which emit pollutants that contribute to higher ozone levels.

“His opinions, they're out of step with the mainstream scientific community,” said Luke Metzger, director of the activist group Environment Texas. “Time and time again he ends up supporting the polluting industries. ”

RELATED

It’s time for Scott Pruitt of the EPA to go

Why a minor change to how EPA makes rules could radically reduce environmental protection

Cruz says imperiled biofuel overhaul plan is not dead

Honeycutt then spent $1.65 million to hire a Massachusetts consulting firm, Gradient Corp., whose clients include industry groups such as the American Petroleum Institute, to try to refute public health studies that found increased ozone levels increase deaths among the broader public. That drew attacks not only from environmental activists, but also fellow scientists.

In 2015, Joel Schwartz, a professor of environmental epidemiology at Harvard University, told the Texas Tribune that Graident used questionable science to “trash environmental studies.”

Tug of war

Science has always been more divided and prone to conflict than political leaders like to acknowledge. But in joining the EPA’s advisory board under the Trump administration, Honeycutt finds himself in the company of scientists far removed from the academic institutions from which such appointments usually originate.

Pruitt, a climate change skeptic, had steadily replaced academics from institutions such as the University of Michigan and Ohio State University with industry scientists from the likes of the Houston refiner Phillips 66 and the French oil major Total.

Among them is Stanley Young, a former top scientist at the pharmaceutical giant Eli Lilly. Young, selected for the advisory board last year, believes the issue of climate change "to be up for grabs" and has spent years arguing that a landmark Harvard study linking increased air pollution to higher mortality rates is wrong.

"There are people who think the science that has been published has been settled," Young said. "As a general thing, science is never settled, it's always open to new data and reanalysis."

Young was complimentary about Honeycutt, noting that in Texas, he was critical of many EPA decisions. But he also criticized the board's decision to review EPA policies, arguing that decisions on issues like the Clean Power Plan were matters of policy, not of science.

Which side Honeywell ultimately ends up on remains to be seen**.** He will have plenty more opportunities to rile up environmentalists and scientists in Washington as he did in Austin.

And already, some are gearing up for a fight.

"I don't see any indication he's changed his points of view," said Walke, the NRDC attorney. "I expect them to erupt at future board meetings."

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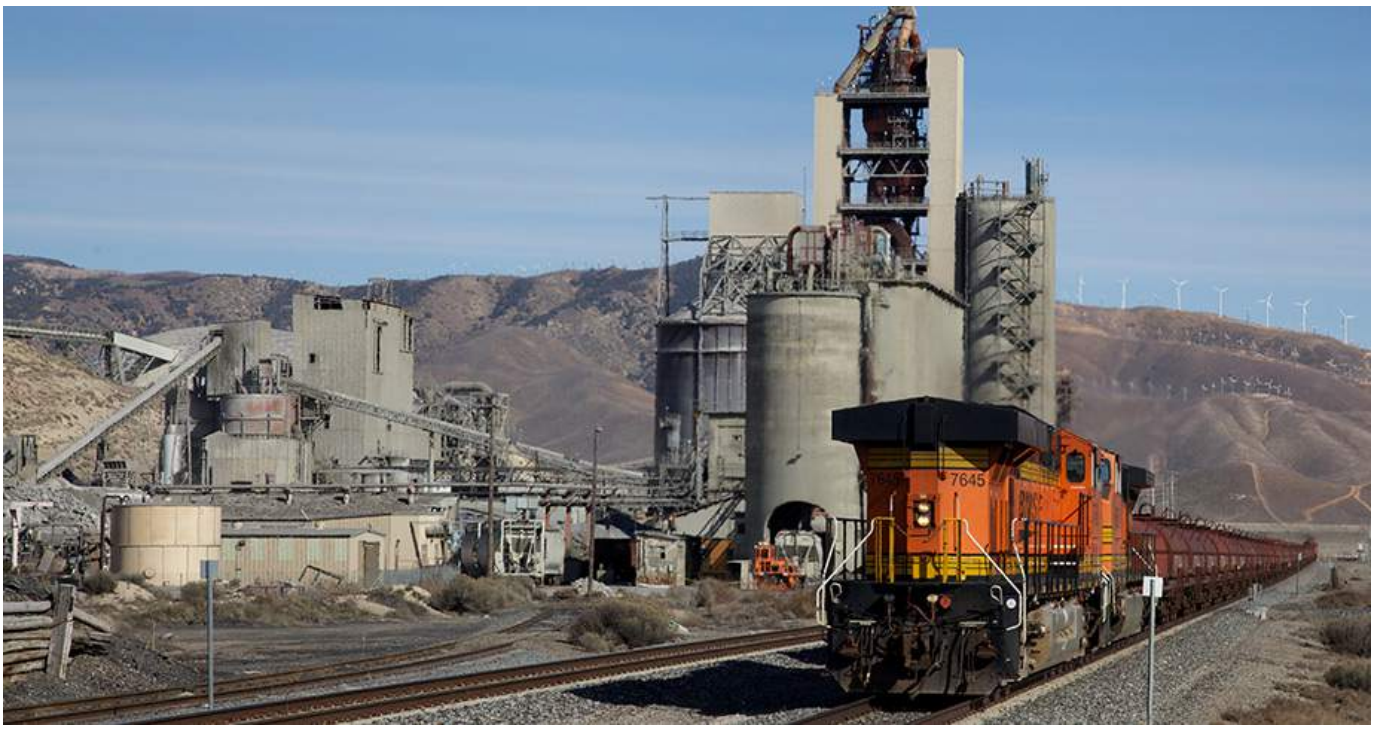
POLICY. SCIENCE. BUSINESS.

EMISSIONS

Cement's CO2 is everywhere. Will it sink climate goals?

Chelsea Harvey, E&E News reporter • Published: Monday, July 9, 2018



The Lehigh Southwest Cement plant in Tehachapi, Calif., burns coal to cook limestone mined from nearby hillsides. David Brossard/Flickr

One of the world's biggest industries — and a leading producer of greenhouse gas emissions — may finally be making moves to combat climate change.

The World Cement Association recently held its first-ever global climate change forum, where industry leaders and scientists discussed strategies to reduce the industry's carbon footprint. It will help inform the development of a climate action plan, which the WCA intends to release in September, aimed at outlining pathways for low-carbon cement production.

"The Global Climate Change Forum made clear the importance of stimulating innovation if we are to have any hope of achieving the Paris climate goals," Bernard Mathieu, director of the WCA's climate change program, said in a statement.

While industries of all kinds are exploring ways to reduce their carbon footprints, the cement industry — unglamorous as it may sound — is among the most significant to join the discussion.

Cement is the most widely used man-made material in existence — it forms concrete when mixed with water, and is used in the construction of everything from buildings and bridges to roads and sidewalks and all kinds of other infrastructure.

But while cement has largely shaped the modern built environment, it's also a massive source of carbon dioxide to the atmosphere. It single-handedly accounts for about 7 percent of all global carbon emissions, according to estimates from the International Energy Agency. That makes it the second-largest single industrial emitter in the world, second only to the iron and steel industry.

It's a problem that often receives little attention among the public. But concern among scientists is rising. As global population grows, some estimates suggest cement production could increase by as much as 23 percent by 2050. And some experts suggest that unless the industry substantially reduces its emissions, it could put the Paris Agreement's global climate targets in jeopardy.

An **April report** from IEA and the industry-led Cement Sustainability Initiative notes that the industry, in its current form, is inconsistent with trajectories that would allow the world to meet a 2-degree Celsius temperature target. Reaching this goal, the report suggests, "implies significantly greater efforts to reduce emissions from cement makers."

The race for solutions

Portland cement — the most widely used type of cement around the world, and the product specified in many modern construction codes — was patented nearly 200 years ago and has become an essential component of the built environment. In the years since, little has changed about the production process, according to Gaurav Sant, a professor of civil and environmental engineering at UCLA.

"There have been improvements in process efficiencies, but broadly speaking it's not that different," he told E&E News.

That's a big problem for the climate, because the process releases large amounts of carbon dioxide. The industry's huge carbon footprint partly stems from its high fuel requirements, which are mostly satisfied by fossil fuels. But more than half of its emissions — and perhaps as much as two-thirds, by some estimates — actually come from the chemical production process itself, which releases large amounts of carbon dioxide as a byproduct.

Portland cement is produced in large part with limestone, a type of rock that's composed mainly of a chemical compound called calcium carbonate. To produce the sticky, binding cement, the limestone must be heated at high temperatures — around 1,500 C, according to civil and environmental engineering expert Claire White of Princeton University.

The intense heating process in and of itself, she noted, requires a massive amount of fuel. But it also causes the limestone to chemically decompose, leaving behind a compound called calcium oxide, which is used in the final cement product, releasing carbon dioxide gas into the atmosphere.

The specific formula used for cement, and the fact that it's remained unchanged for so long, makes the industry an unusually challenging one when it comes to climate action. A **commentary** published last month in *Science* evaluated a variety of "difficult-to-decarbonize" services and processes. Tackling cement, it noted, doesn't have a single solution — it will require a variety of approaches, including major changes in both the materials used and the manufacturing process itself.

The problem has drawn the attention of major international organizations in recent years, some of which are now advising the industry on ways to cut carbon. IEA's April report contained a low-carbon technology road map, aimed at reducing cement industry emissions 24 percent by 2050. The report outlines a variety of strategies that could help achieve that goal — everything from alternative fuels to carbon capture technology to new chemical recipes for the cement product itself.

Research groups around the world are already tackling many of these issues. Some groups are working on chemical formulas that would reduce the amount of "clinker" — the substance that requires the heating of limestone — that goes into the cement.

White, the Princeton engineer, leads the university's Sustainable Cements Group, which is working on ways to eliminate the need for clinker altogether. It's possible to make cement-like products using other substances instead, she noted, including recycled byproducts from other industries, such as steel slag, fly ash from coal-fired facilities or certain types of clays. Treating these substances with special chemical compounds known as alkalis "can make the powders reactive," White said, "and we can form similar building blocks at the molecular level compared to what's in portland cement concrete."

That said, there's some debate about exactly how much carbon output is associated with alkali-activated cements, she added, which can sometimes make it difficult to compare with portland cement. It partly depends on exactly what type of alkali sources, and how much, are used in the process, and how far the materials must be shipped. Some estimates suggest the practice has the potential to lower emissions by as much as 40 to 80 percent compared with portland cement, White said.

Other researchers are focusing on different tactics. Sant, the UCLA engineer, is involved with a research team developing a product they've dubbed "**CO2NCRETE**." The process relies on "carbon upcycling" — using CO2 emissions captured from industrial activities to produce a cement-like, and potentially carbon-neutral, building material. The CO2NCRETE process is unique, Sant says, because it can utilize the captured carbon emissions as is, without the need for extra processing.

Other experts have pointed out that concrete naturally absorbs carbon dioxide. It's a slow process, but over the course of decades, it may be able to soak up a substantial amount of the emissions it put into the atmosphere in the first place via the limestone heating process.

A **2016 paper** in *Nature Geoscience* suggested that the world's concrete has been absorbing about 43 percent of those original emissions. There may be some ways to speed up or strengthen this absorption process, Sant noted — it's an area his own research group is focusing on.

Steven Davis, an earth system scientist at the University of California, Irvine — one of the authors of the *Nature Geoscience* paper, as well as last week's *Science* commentary — noted that concrete's absorption potential implies that there may be ways to make cement production carbon negative.

If cement production facilities were all outfitted with carbon capture and storage technology, for instance, then a substantial amount of the emissions produced on-site could be stopped from entering the atmosphere. Later, the concrete produced would soak up even more carbon dioxide, which could eventually amount to a "net drawdown from the atmosphere," he told E&E News.

While different research groups are focusing on different approaches, IEA's technology road map suggests that reducing emissions quickly enough to help meet global climate goals will require a variety of strategies all working together. This is likely to be the most successful approach, according to White.

"There might be front-runners in terms of what can help or what we can use in the near future, but that doesn't mean we shouldn't be looking at more innovative materials down the line," she said. "It's not just one technology that we need to look at to combat the sustainability issues associated with the concrete industry."

A long road ahead

Despite the rising interest in research and development, there are obstacles to implementing the solutions. One of these is a lack of policy incentives to convince cement manufacturers to invest in new technologies.

"As far as the major producers, it's not clear to me that it is a very big priority," said Davis. "I don't get the sense that they feel that it's a market for potential disruption yet."

Emissions caps or carbon-pricing systems are some of the most frequently discussed solutions. Still, even in places where such frameworks exist, problems can arise.

In the past, the European Union's Emissions Trading System has been criticized for providing free carbon allowances to large polluters, including cement producers. A **recent report** from CDP, a U.K.-based organization that advocates for transparency about corporations' environmental footprints, pointed out that "carbon regulation for the sector remains benign, with the sector in Europe continuing to benefit from surplus free allowances." The report suggested that carbon prices may need to rise three to six times as much to spur the adoption of carbon capture and other innovative technologies.

There are other challenges. The cement industry is a highly conservative sector, Sant noted — and not without reason. The construction of essential infrastructure, like buildings and bridges, carries a great deal of concern about safety and high anxiety toward the introduction of newer, less-proven materials.

"Because we've used this material for as long as we have, there's a lot of user confidence associated with it," Sant said. This may have made the industry more resistant than others to innovation.

Governmental regulatory agencies may be similarly conservative when it comes to construction codes. In the U.S., Europe and many other developed nations, these codes are generally based on portland cement chemistry, White said. Using a different product for a construction project would likely require the approval of the appropriate regulatory body — which may not always be easy to come by.

"There's active work going on in this area, to try and provide the information necessary to the codes organizations as to how they could augment the codes to enable for more innovation in construction materials," she said. This means there's a need for new ideas on how to reduce the industry's emissions, while showing that these new products are safe.

While research interest is growing, progress in the private sector for now is emerging but may be slow-going.

CDP's recent report evaluated 13 of the world's largest publicly listed cement companies on their readiness for a low-carbon transition. It suggests that the companies' emissions have been falling by about 1 percent annually, on average. But it notes that this is hardly enough to keep pace with trajectories consistent with a 2 C climate goal. The report also points out that investment in research and development, as a proportion of sales, is low compared with other industries.

Still, the World Cement Association's recent climate change forum may suggest that the industry is beginning to push for more action. And the variety of different approaches that experts are exploring may help make the road easier.

"You don't want to try and impose change overnight — you want to be able to stage change," Sant said. "You want to be able to evaluate lower-risk and higher-risk pathways so that you really create a portfolio of solutions, rather than just one that fits specific things."

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U.S. News &World Report

Protecting the Earth for Public Health

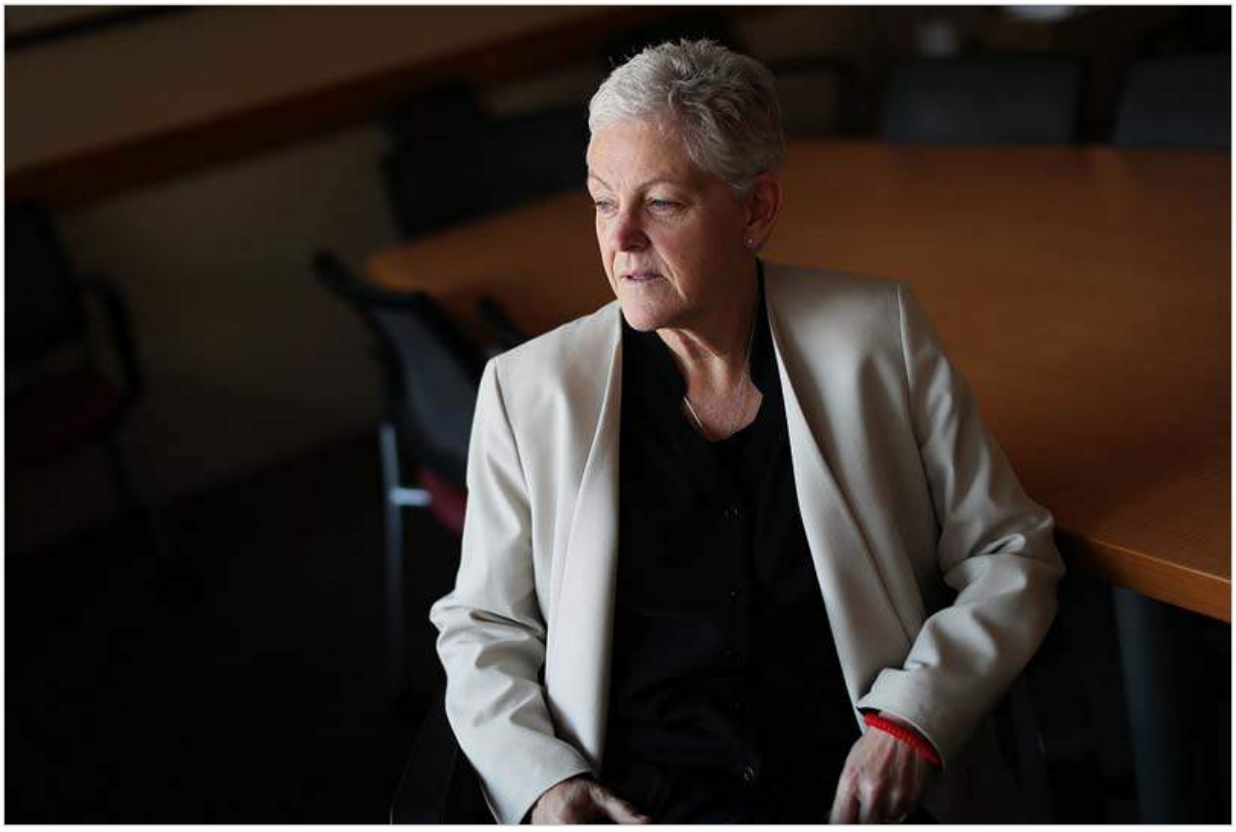
The former head of the EPA emphasizes that climate action is about public health, not polar bears.

By Alan Neuhauser Staff Writer, July 6, 2018, at 6:00 a.m.

Ask Gina McCarthy about the environment, and she's as likely to mention public health as she is climate change.

The former administrator of the Environmental Protection Agency, who served through President Barack Obama's second term, oversaw the development and implementation of the nation's first regulations limiting heat-trapping carbon pollution from existing coal-fired power plants – easily the largest source of greenhouse gases in the electricity sector.

She also oversaw the development of stricter emissions on cars and trucks, updates to air toxics and chemicals standards and – with the Justice Department – a sprawling investigation into wide-scale cheating by Volkswagen and other automakers on emissions tests.



Gina McCarthy, former Administrator of the Environmental Protection Agency (SUZANNE KREITER/THE BOSTON GLOBE/GETTY IMAGES)

But it is public health that McCarthy seems to most frequently discuss – an effort to make the seemingly abstract implications of climate change and other environmental issues more immediate and tangible. The EPA, she likes to point out, was initially founded as a public health agency.

[READ: How to Save the Human Race]

McCarthy served as a senior state official for five Republican governors and a Democrat. At the EPA, however, conservative lawmakers and fossil fuel trade groups branded her a partisan, spearheading a veritable war on coal. Since leaving office, she's watched as her successor, former Oklahoma Attorney General Scott Pruitt, who resigned this week, launched a campaign to roll back various environmental measures.

McCarthy recently was named the director of the The Center for Climate, Health, and the Global Environment, or C-CHANGE, at the T.H. Chan School of Public Health at Harvard University. She spoke by phone last week with U.S. News.

Excerpts:

The effect of climate change on health, and children's health in particular, is a very important issue for you. Why have you chosen to focus on that particular facet of climate change, especially with recently being named the head of C-CHANGE at Harvard?

For climate, people are having a hard time getting their arms around it and understanding why it's relevant to them. The polling that I've seen in the U.S. indicates that most people now recognize that the climate has changed. It's hitting you in the face with the floods and the stormier hurricanes that we're seeing and the changes that we just can't ignore. But I don't think that it's often perceived as something that's really going to be relevant to everybody in the United States, that it's really going to be a pervasive problem if we don't address it soon. And I'm interested in getting broader understanding of the solutions we have and broader engagement in the issue, because that's what it's going to take in the U.S. for us to be able to step up and make sure that we're supporting the mayors and the states and the businesses that are really representing us internationally as a country that still follows science, the law and wants to be in a leadership role here.

How much of the focus of your work at C-CHANGE do you think will be at the state and local level versus the national level, especially given what's happening at the national level currently?

We have to understand that this administration isn't interested in following the science. They have made a concerted attack not just against climate but on science in particular.

Not everything happens in Washington, D.C.: If you look at how the environmental movement began, it began at a grass-roots level. People were worried about pollution. They understood it impacted their health. I want to bring climate down to size, and I want to talk about it as something we can tackle, not something to be afraid of or deny.

There's just so many things that we know, as scientists at Harvard, that matter to people. And we need to focus on getting that information out so that people can do what government doesn't want to or what the government is too slow to react.

A recent poll found that the share of Republican voters who accept that climate change is occurring has recently picked up and that the percentage of Republican voters who accept that it's being caused by humans has jumped by 9 percentage points since last fall. Nonetheless, we still have folks in power who, as you pointed out, who have demonstrated no interest in addressing this issue and have, in fact, disdained it. At the level of local and state action that you're focusing on, how is this playing out, both the

wider acceptance of climate change, as well as the rhetoric that's are trickling down from the national level?

I've worked for five Republican governors and one Democrat. And we've been fortunate that we've done two things in terms of environmental protection. One is that we have really shown that it cannot and should not be partisan. It's about real facts, it's not a belief system. And we've also been able to deliver tremendous public health benefits that have also provided opportunities for new jobs. It hasn't slowed the economy down, it's made this country a great place to live.

I want to use that as a historical perspective on why, when it gets to something like climate change, we simply need to face it and do what we've always done in this country, which is innovate our way out of it and become the leader of a clean energy future.

I speak a lot to young people. Young people tend to embrace change. Their lives constantly change with new technology developments, and they're not afraid of it. They shouldn't now lose hope that just because the federal government isn't moving forward but interested in going backwards. They can still act, we can move these things forward.

No matter what's happening in D.C. right now, we see clean energy taking off in this country because we have solutions that are cost-effective. Why don't we take advantage of those and deliver those in ways that not only bring clean energy but actually bring in opportunity for serious public health benefits?

When it comes to perceptions of the environmental movement and environmental advocates, you suggested during a speech in Boston this spring that they can be seen as having a certain smugness or trouble communicating the science. How much of that is the focus of your work now?

We spent a lot of time dealing with pollution that was very visible in the early days. If you were talking about air pollution, you could see the smokestacks spewing out black smoke. You could see rivers burning. The challenge today is that we've made progress on that, which is a great thing, but we're not done yet by any means. So the challenge that we have is to make sure that people continue to stay engaged so that they can speak and demand appropriate action from the leadership in this country. And that's where I think we haven't adjusted.

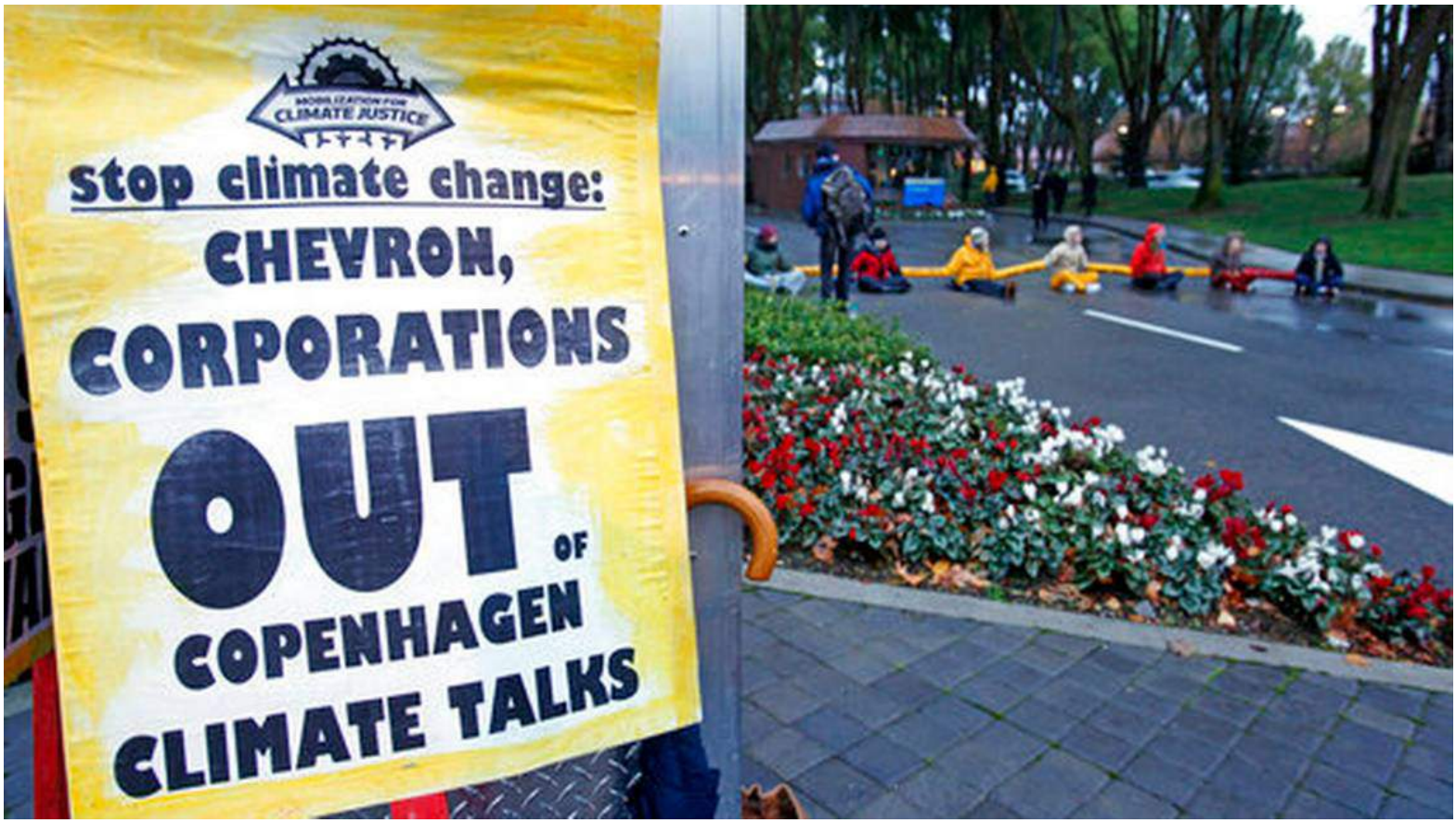
[PHOTOS: The Big Picture – June 2018]

Instead of being clear that we have solutions, we have started being a little bit too negative about the consequences of inaction. Now I understand it, because you want people to understand what's at risk. But I'm interested in making sure that we engage people in a way that they can invest in the solution.

When I was at EPA, we started and supported tremendously a citizen-science movement. And that's to get people outside and to look at the quality of their own water, to be able to measure the quality of their air, because all EPA does are national standards. States and local communities need to look at where individual risks are happening and how they can get involved. When you do that you begin to see that there is a tremendous amount of work that we have left to do.

We have lots of people, 130 million now, who are getting their drinking water from sources that are not protected. We have 125 million people still living in areas where health-based air quality standards aren't being met. We've got 65 percent of our rivers and stream miles in this country that are so contaminated with nutrients that they do not support healthy ecosystems. These are big-deal things, and people think that government has it all under control.

I am perfectly hopeful that people, when they have the right information, will take the right steps. So I don't think we need the environmental constituency or the academic community telling people what the answers have to be as much as telling them that we have a challenge, let's step up.



RICHARD GREENE

A judge's ruling puts climate change in limbo

BY RICHARD GREENE
mayorgreene@mayorgreene.com

July 06, 2018 03:59 PM
Updated July 08, 2018 12:00 AM

Global warming activists have long sought judicial support for their demands that Big Oil should be held liable for the consequences of rising temperatures across the country and throughout the world.

They got the hearing they wanted in a case adjudicated in the United States District Court for the Northern District of California, where the judge said, in effect – nothing doing.

One of the biggest targets in this case is the oil company, ExxonMobil, headquartered in Irving. It's Houston campus, energy center, laboratory, wellness center and office buildings provide employment to some 10,000 Texans.

In a 16-page ruling, U. S. District Judge William Alsup agreed with the company and industry co-defendants that their case belonged in the hands of Congress and not the courts.

“Having reaped the benefit of that historic progress, would it really be fair to now ignore our own responsibility in the use of fossil fuels and place the blame for global warming on those who supplied what we demanded?” he wrote. “Is it really fair, in light of those benefits, to say that the sale of fossil fuels was unreasonable?

“The problem deserves a solution on a more vast scale than can be supplied by a district judge or jury in a public nuisance case.”

Alsup’s determination concluded that the whole question of climate change was the responsibility of the legislative and executive branches of the government.

The judge, who has a liberal reputation in a federal court friendly to progressive public policy, has based his ruling on two very sound and common sense principles in dismissing the lawsuits brought by San Francisco and Oakland, California.

First, let’s be reminded that the Democratic Party controlled the entire government in the first two years of the Obama Administration and never managed to produce legislation to deal directly with global warming.

The consequence of that failure resulted in Obama ordering the Environmental Protection Agency to use dubious authorities in the Clean Air Act and other statues to produce sweeping new regulations targeted at industries emitting carbon dioxide and other greenhouse gasses.

Those decrees brought lawsuits from about half the states and others challenging EPA’s authority now further limited by the rollbacks implemented by the Trump Administration’s moves to provide relief from the burdens imposed by Obama.

So, the quagmire that characterizes the federal government leaves the entire matter of climate change in ever intense controversy seeking judicial resolution that this California court has rejected.

The second big thing the judge illuminated is that the use of fossil fuels has resulted from public demand now spanning more than a century as the nation's economy became the strongest in the world.

We all want to drive the vehicles of our choice and to heat and cool our homes and offices for whatever comfort we desire. We reap the benefits from the engines of industry that provide jobs leading to unprecedented prosperity for the nation.

That means power plants across the land operate around the clock delivering the electricity we require and refineries do the same producing the fuels for those plants and our SUV's.

The questions that arise from this case are compelling. Will the American public alter their behaviors to reduce demands for energy? Will Congress, under Democratic or Republican control, deal specifically with greenhouse gas emissions?

If history is any guide, the answers to both questions is "no" and that is why the Department of Energy projects our continued dependence on fossil fuels into the middle of the century and beyond.

Meanwhile, more cases like this one in California are working their way through courts across the land.

Richard Greene is a former Arlington mayor, and a regional administrator for the Environmental Protection Agency.

Guest Columns

Climate change denial the real ‘fake news’

By Fred Phillips / New Mexico Tech Earth Sciences Professor / Socorro

Sunday, July 8th, 2018 at 12:02am

Fred Phillips is a professor emeritus of earth science and have been teaching earth science at New Mexico Tech for almost 40 years. He has taught numerous courses dealing with global climate. He has over 150 professional publications on various aspects of earth science.

Suppose I were to write a column claiming that Mayor (Tim) Keller had been abducted by a flying saucer and his brain replaced by that of an octopoid alien. I suspect that the Albuquerque Journal would decline to publish it. Suppose I wrote one claiming that the Martian lander photos and data were faked, because I happened to know that Mars and the other planets were small spheres that orbited the Earth only a few hundred miles away? That too would go in the wastebasket. Why, then, does it publish Cal Thomas’ column (July 2) headlined “Global warming hysteria has raged for 30 years”?

Thomas is a political columnist who almost certainly could not pass the first exam in an undergraduate course in atmospheric physics. I have never read anything he has written that demonstrates any understanding of the basic facts of climate science.

This latest column is no exception. It is inspired by the anniversary of NASA scientist James Hansen’s testimony to the U.S. Senate 30 years ago, in which he presented predictions for global temperature based on climate modeling. Thomas gives the predictions and claims they were wrong, but he never includes for comparison the actual amount that global temperature has increased. Hansen presented three scenarios that depended on how much CO2 and other greenhouse gases were pumped into the atmosphere. His scenario “B” turns out to be closest (to) the real greenhouse gas history. For that scenario, his predicted temperature change for the year 2016 was 0.95°C. The actual, measured temperature increase for 2016 was 1.04°C. This is remarkably close. Thomas’ assertion that “the rapid warming he predicted isn’t happening” is simply a bald-faced lie.

Unlike Thomas, I do know my facts. I have a Ph.D. in hydrology and have taught courses related to global climate, many of them graduate courses, for almost 40 years at New Mexico Tech. During that time I have watched the steady accumulation of scientific evidence that the earth is warming rapidly and that human-caused increases in greenhouse gases are responsible. The evidence is now so overwhelming that virtually all earth and atmospheric scientists consider the case to be closed. The effects of this global change on our children and all future generations are potentially very serious and deserve our focused attention.

If the editors of the Albuquerque Journal choose not to believe me, I challenge them to read 10 recent issues of Science or Nature – the pre-eminent science journals in the world – and try to write a defense of climate-change denial based on what they read. Or to listen to the presentations at the upcoming annual meeting of the American Geophysical Union – 22,000 earth/atmospheric scientists attending last year! – and find a single paper supporting climate-change denial.

The First Amendment of the Constitution of the United States includes the phrase “Congress shall make no law… abridging the freedom of… the press.” I am personally a strong supporter of the First Amendment, but only so long as the press performs the function that the founders envisioned, which is simply to publish the truth. In this, I differ from President Trump who has written that the press “is the enemy of the American people.” In the case of global climate change, the truth is quite easy to establish. As long as the Journal publishes columns like Cal Thomas’, consisting of pseudoscience and lies, it earns Trump’s condemnation as a purveyor of “fake news.”

Back to Buffalo Regulatory rigmarole

Arkansas Democrat-Gazette, 07/08/2018

Attorneys for C&H Hog Farms (badly misplaced in the Buffalo National River watershed) are herding every pig-in-a-poke possible toward the state's Pollution Control and Ecology Commission in hopes of overturning their client's Regulation 5 permit denial.

Without exploring the tedious specifics of their attempt, I'll consolidate by saying my understanding is factory lawyers are arguing that just because the Arkansas Department of Environmental Quality (cough) issued C&H a since-discontinued Regulation 6 general permit in 2012, that permit should continue pending issuance of an individual version of the federal pollution elimination discharge permit.

By that line of reasoning, the department's subsequently denying of C&H's 2016 application for a Regulation 5 permit wasn't sufficient to terminate the factory's authority to operate. Huh?

Asked about that argument, attorney Richard Mays of the Buffalo River Watershed Alliance said, "There's no valid factual or legal basis for these arguments. Instead, they are designed to detract from the undisputed basic fact that, before ADEQ determined not to reissue its Regulation 6 general permit, C&H voluntarily elected to apply for coverage under a Regulation 5-not a Regulation 6."

The resulting evaluation process dragged on from April 7, 2016, to Jan. 10, 2018. And the agency's eventual denial led to C&H's ongoing appeal of that rejection.

"It was only after ADEQ denied C&H's Regulation 5 application that C&H conjured up its novel theory that a Regulation 6 general permit had to be replaced by a Regulation 6 individual permitandthatADEQdenyingitsRegulation 5 permit did not terminate its original coverage under the Regulation 6 general permit," Mays added.

Get all that regulatory rigmarole? The posturing gets confusing even to lawyers who write it.

Mays tried clarifying further: On April 7, 2016, C&H (operating on its original Regulation 6 general permit) applied for an individual permit under Regulation 5 which, unlike Regulation 6, is a state- rather than EPA-sanctioned pollution discharge permit with no expiration date. Such permits also likely are not subject to most citizen lawsuits.

"Then, two weeks later on April 20, 2016, C&H also filed a notice of intent to continue its coverage under the Regulation 6 general permit. However, ADEQ decided not to renew that general permit program," Mays said. "On May 3, 2016, [the agency] notified C&H it was considering C&H's application for a Regulation 5 permit to replace the factory's Regulation 6 general permit. C&H did not object, or appeal, the non-renewal of [its] Regulation 6 general permit."

Between April 7, 2016, when C&H applied for the Regulation 5 permit and Jan. 11, 2018, when the Department of Environmental Quality ultimately denied it, the department processed its application, issued an initial notice of intent to issue the permit (pending public comment), and received and analyzed some 20,000 public comments. C&H appealed that denial to the full commission, which initiated a hearing beforethecommission'sAdministrative Law Judge Charles Moulton.

"Yet at no time during that process did C&H raise any issues about continuing its coverage under the Regulation 6 general permit," said Mays.

In its appeal before Moulton, C&H raised numerous issues. One argument was that it is entitled, under various statutes and regulations, to continued coverage of its original general permit until an individual permit is issued. They claimed the denial of a Regulation 5 permit doesn't affect C&H's right to continue operating.

"In other words, C&H is arguing it cannot be closed down, and that ADEQ's permit denial is not even an option," said Mays. "In my opinion, it's a ludicrous argument arising from desperation. ADEQ and the intervenors (Watershed Alliance, Canoe Club, Ozark Society, etc.) all do not agree."

In response to the agency's motion to dismiss these matters, C&H also argued that, in having denied it the Regulation 5 permit, the agency was obligated to publish a public notice of its intent to deny that permit and solicitcomment(justasitwasobligated to and did publish an initial notice of intent to grant the permit).

Judge Moulton agreed with C&H on that point, and factory attorneys have filed a motion for summary judgment so it can ask the commission to remand the matter to the Department of Environmental Quality for that public notice and comments on the denial. That motion rests with Moulton. Meanwhile, the agency has been citing related cases in hopes of changing his decision.

Should Moulton stick with his original decision on the department giving public notice of its denial, I believe any instructions should be for the limited purpose of publication of the notice of intent to deny the Regulation 5 permit, not for agency reconsideration of its actual denial. I'm pleased to see Moulton made it clear he wasn't rendering an opinion on the validity of the permit denial-only on the agency's failure to publish a notice of intent to deny and comments.

I need a buffered powder. Please don't make me try to explain all this again.

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